

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/532,164		KLEIN JR ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Darren W. Ark		3643	

  

**All Participants:**

(1) Darren W. Ark.

(2) Allyn B. Rhodes.

**Date of Interview:** 9 September 2009

**Type of Interview:**

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant    ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes    ☒ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

Rejection(s) discussed:

*Rejections in the Non-Final Action mailed on 6/10/2009*

Claims discussed:

*1-17*

Prior art documents discussed:

*Prior art of record*

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

**Status of Application:** After Non-Final Rejection

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** 9:30am EST

  

/Darren W. Ark/  
Primary Examiner, Art Unit 3643

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner stated that in regard to claim 1, Examiner proposed amending the phrase "a mesh-like member...with the housing about the bottom surface" to read "a mesh-like member with the housing on the bottom surface" since it is the Examiner's position that the term "about" renders the claim vague and indefinite and does not accurately disclose the relationship between the mesh member and the bottom surface. Examiner stated that Snell 6,543,182 discloses a housing (302, 370) with a bottom surface (310), a cavity (inside 302 & 370), and an opening to the cavity through the bottom surface (defined by 308); a perforated bait cartridge (348 is perforated via bore 350 or if 348 is a foam material then that defines a plurality of "perforations") configured to fit within the cavity (see Fig. 12, 15 or 16); bait material (368) disposed within the bait cartridge and adapted to be attractive to termites (see col. 14, lines 54-end); a mesh-like member (350 with openings 356, 358, 360) engaged with the housing about the bottom surface so as to cover the opening (defined by 308; see Fig. 16), the mesh-like member being substantially parallel with the bottom surface (366 parallel with 308, 310 since they abut each other); and an inspection hatch (370 with lid 374) disposed on an upper surface of the housing (372). Examiner proposed to amend claim 1 to recite that the mesh-like member has a longitudinal axis which is substantially parallel with the bottom surface to define over Snell '182 whose mesh-like member (350) has a longitudinal axis which is perpendicular to the bottom surface (310). Examiner stated that Masterson 6,370,811 discloses a housing (12, 48) with a bottom surface (lower bottom half of one of sides of 12), a cavity (see Figs. 3, 4), and an opening (between 44 along bottom half of one of sides of 12) to the cavity (see Fig. 2 or 4); a perforated bait cartridge (12' is perforated with 40, 30 is perforated to receive 24, 24 is perforated to receive threaded member to attach 26 to 24, 26 is perforated to receive upper end of 16); a bait material (16); a mesh-like member (42, 43) engaged with the bottom surface (lower bottom half of one of sides of 12) so as to cover the opening (see Fig. 4) and retain the bait cartridge in the cavity (see Fig. 3), the mesh-like member being parallel with the bottom surface (42 parallel with side of 12 as shown in Figs. 3, 4) and defining openings (43) therein; and an inspection hatch (54-56 disposed on an upper surface (upper half of 12 and on 48) which is opposite the bottom surface (lower half of 12); wherein the bottom surface (lower half of 12) and the longitudinal axis of the mesh-like member (42 has a vertical axis in Figs. 3 and 4) are parallel to the axis of the inspection hatch (54, 56 have vertical axes as shown in Fig. 3). Examiner proposed to further amend claim 1 to recite that the inspection hatch as "extending in a plane which is substantially parallel with the bottom surface when the hatch is in a closed position" in order to define over Masterson which discloses the inspection hatch (54-56) which generally extends in a horizontal direction which is perpendicular to the bottom surface (lower half of 12). Examiner stated that Nimocks 5,950,356 discloses a housing (11) with a bottom surface (lower half of 11), a cavity (interior of 11), and an opening (lowermost occurrence of 7 through 11); a perforated bait cartridge (20); a bait material (sawdust inside 20); a mesh-like member (1 covers 7 and has openings 2 defined therein similar to an open mesh), the mesh-like member parallel with the bottom surface (sides of 1 are parallel with lower half of 11) and defining openings (2); an inspection hatch (6, 14) disposed on an upper surface of the housing (upper half of 11), and discloses the inspection hatch (14) extending in a plane perpendicular to the bottom surface (lower half of 11), but does not disclose the inspection hatch "extending in a plane which is substantially parallel with the bottom surface when the hatch is in a closed position". Examiner also proposed rejoining withdrawn claims 7-9 with claim 1 and canceling withdrawn claims 10-16 drawn to the non-elected method. Applicant agreed with the proposed amendments. Please see the Examiner's Amendment for details.